

# The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-15-90005

A Charge of Judicial  
Misconduct or Disability

Before: GARLAND, *Chief Judge*.

## ORDER

Upon consideration of the complaint described herein, filed against a judge of the United States District Court for the District of Columbia, it is

**ORDERED** that the complaint be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send copies of this Order and accompanying Memorandum to the complainant, the subject judge, and the Judicial Conference Committee on Judicial Conduct and Disability. *See* 28 U.S.C. § 352(b); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(g)(2).

  
Merrick B. Garland, Chief Judge

Date: 10/1/15

## MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia. For the following reasons, the complaint will be dismissed.

The complainant is a prisoner who brought a civil suit in the United States District Court for the District of Columbia against judges of the United States Court of Appeals for the Fourth Circuit and the United States District Court for the Eastern District of Virginia. A judge of the U.S. District Court for the District of Columbia dismissed the lawsuit. The complainant then filed a second suit in the U.S. District Court against the judge who dismissed his original civil suit. When a second judge dismissed the second suit for failure to state a claim upon which relief may be granted, the complainant mailed in the instant misconduct complaint against the second judge.

The misconduct complaint asserts that the subject judge failed to transmit the judge's dismissal order to the complainant in a timely fashion, and that the judge was refusing to file the complainant's motion for relief from the judgment of dismissal. There is no evidence that the district judge was responsible for the alleged untimely transmittal or alleged failure to file the motion for relief from judgment, let alone "sufficient evidence to raise an inference that misconduct has occurred." JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(D); *see* 28 U.S.C. § 352(b)(1)(A)(iii). Moreover, before the complainant's misconduct complaint even arrived at this courthouse, another U.S. District Court judge had ruled on and denied

the motion for relief from judgment as without merit, thus rendering “action on the complaint . . . no longer necessary.” 28 U.S.C. § 352(b)(2); *see* JUDICIAL-CONDUCT RULE 11(e). Accordingly, the complainant’s misconduct complaint will be dismissed.<sup>1</sup>

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<sup>1</sup> Pursuant to 28 U.S.C. § 352(c) and Judicial-Conduct Rule 18(a), the complainant may file a petition for review by the Judicial Council for the District of Columbia Circuit. Any petition must be filed in the Office of the Circuit Executive for the D.C. Circuit within 35 days of the date of the Circuit Executive’s letter transmitting the dismissal Order and this Memorandum. JUDICIAL-CONDUCT RULE 18(b).